

**OFFICE OF THE PROSECUTOR OF LUCAS COUNTY**

**OPINION NO. 01-07**

May 25, 2001

John P. Alexander, Legal Counsel  
Lucas County Board Of Commissioners  
One Government Center, Suite 800  
Toledo, Ohio 43604-2259

**SYLLABUS**

Until September 18, 2001, a board of county commissioners may require licensing only of heating, ventilating, and air conditioning and electrical contractors. After September 18, 2001, the county commissioners may require a registration fee of those same trades, but not licensing.

**OPINION**

I am responding to your request for an opinion on the following question: "May a board of county commissioners, through a county chief building official, require licensing of trades personnel working in the county?"

A board of county commissioners may require licensing of electrical, heating, ventilating and air conditioning contractors, but only until September 18, 2001. After this date, due to changes in the law, county commissioners will only be able to require registration, not licensing, of these same tradespersons.

The authority of a board of county commissioners is governed by R.C.4740.12(A), and R.C. 3781.102. County commissioners are expressly authorized to adopt rules to establish standards and provide for licensing of only heating, air conditioning and ventilation and electrical contractors. Where a trade is not mentioned in the above statute, e.g., plumbing, there is no authority for the county commissioners to license that particular trade. See Ohio Atty. Gen. Op. No. 99-009. All other tradespersons may not be regulated or licensed.

Currently, the board of county commissioners is permitted to adopt, by resolution, rules to establish standards and to provide for licensing of electrical and HVAC contractors. These rules are enforceable within the unincorporated areas of the county and within any municipal corporation that has contracted with the county to enforce the county rules within the municipal corporation. The county commissioners are also permitted to require successful completion of an examination or demonstration of technical skills, a fee, and additional requirements in exchange for allowing an electrical or HVAC contractor to work within the jurisdiction governed under rules of the board of county commissioners.

Effective September 18, 2001, county commissioners will be prohibited from requiring a contractor who holds a valid and unexpired state-issued license to complete an examination or additional requirements created by the board. However, a board of county commissioners may continue to exercise its existing authority to regulate electrical and HVAC contractors for those not required to hold a license. The board may also continue to impose a **registration** fee for a contractor who holds a valid and unexpired license.

The intent of the revisions is to eliminate duplicative bureaucracies and to create a system where an individual contractor may obtain a single license to permit the contractor to do business in all parts of this state and to obtain authorization to do business in other states.

Therefore, it is my opinion and you are hereby advised:

At the present time, a board of county commissioners may require licensing only of heating, ventilating, and air conditioning and electrical contractors. After September 18, 2001, the board of commissioners may no longer license these trades, but will still be permitted to require the payment of a registration fee.

Sincerely,

JULIA R. BATES  
PROSECUTING ATTORNEY

JRB/jws